

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 1088 HB	<b>Title:</b> Misdemeanor convictions	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

Account	FY 2018	FY 2019	2017-19	2019-21	2021-23
Counties					
Cities					
<b>Total \$</b>					

### Estimated Expenditures from:

COUNTY	FY 2018	FY 2019	2017-19	2019-21	2021-23
County FTE Staff Years					
<b>Account</b>					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2018	FY 2019	2017-19	2019-21	2021-23
City FTE Staff Years					
<b>Account</b>					
Local - Cities					
Cities Subtotal \$					
Local Subtotal \$					
Total Estimated Expenditures \$					

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.

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Request # 1088 HB-1

## **Part II: Narrative Explanation**

### **II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts**

RCW 9.96.060 would be amended to change the number of conviction vacations a person may have from one to four . It would also be amended to change the bar to vacation of a conviction if the person has subsequently been convicted of any crime . Instead, the person may not have the conviction vacated if he or she has been convicted of any crime in the three years prior to the application or any felony since the date of conviction.

A new section would be added to RCW 9.96.060 to allow a person to vacate more than one conviction in the same application , if not otherwise prohibited by this section.

### **II. B - Cash Receipts Impact**

### **II. C - Expenditures**

This bill would affect a person's ability to request vacation of a misdemeanor or gross misdemeanor conviction in several ways :

Currently, a person with any subsequent conviction may not request vacation of a prior conviction . Section (2)(h) would change that to prohibit only those who have been convicted of any crime in the three years prior to the application, or any felony since the date of conviction, from applying for vacation of a prior conviction. This change would increase the number of persons who can apply for vacation of convictions.

Currently, a person who has ever had a conviction vacated is barred from another vacation . Section (2)(h) would change that to prohibit only those who have had four or more convictions vacated. This change would also increase the number of persons who can apply for vacation of convictions.

Currently, there is no provision for allowing a person to apply for vacation of more than one conviction in the same application, if not otherwise prohibited. A new section would allow an application for multiple vacations in the same proceeding.

This bill would allow more people to apply for vacation of gross misdemeanors and misdemeanors so it is assumed that vacate hearings would increase in district and municipal courts. But allowing for multiple vacations in the same proceeding would reduce the number of hearings that might otherwise be held. Estimating how many additional hearings is not possible due to the limitations of the Judicial Information System (JIS). It is not possible to pull summary data on the conviction history of each misdemeanor and gross misdemeanor conviction to see all the convictions that could be vacated under the criteria of this bill .

The number of charges vacated in district courts is about twice the number vacated in municipal courts and motions to vacate hearings average about ten minutes of court time. For the purposes of this judicial impact note, it would require an additional 450 hearings in district and municipal courts to cost more than \$50,000 in judicial officer and court staff time.

### Part III: Expenditure Detail

#### III. A - Expenditure By Object or Purpose (State)

<i>State</i>	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years					
Salaries and Wages					
Employee Benefits					
Professional Service Contracts					
Goods and Other Services					
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements					
<b>Total \$</b>					

#### III. B - Expenditure By Object or Purpose (County)

<i>County</i>	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
<b>Total \$</b>					

#### III. C - Expenditure By Object or Purpose (City)

<i>City</i>	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
<b>Total \$</b>					

### Part IV: Capital Budget Impact